

EXHIBIT NO. 1

19
5-18-02

28
5-14-02

City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 8, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: ORDINANCE REQUIRING WASTE HAULER REPORTS

ISSUE: Consideration of an ordinance requiring all private waste haulers servicing Alexandria businesses and residential properties to report to the City solid waste and recycling tonnages collected each year.

RECOMMENDATION: That City Council pass the attached ordinance (Attachment 1) on first reading, and schedule it for public hearing, second reading and final passage on May 18.

BACKGROUND: According to the Commonwealth of Virginia Waste Management Act (Virginia Code Section 10.1-1411), local jurisdictions are required to achieve an annual recycling rate of 25 percent. Prior to 2002, reporting of local recycling rates to the Department of Environmental Quality (DEQ) was voluntary. Starting for waste collected in calendar year 2002, reporting by localities of recycling rates to DEQ has become mandatory.

In order to calculate City recycling rates prior to 2002, the City sent an annual voluntary survey to waste haulers. The reported data was used as part of the calculation of the City's annual recycling rate. The recycling rate was then provided to DEQ, and was also used by City staff to judge if the state-mandated recycling rate of 25 percent was met. For calendar year 2000, the City reported a 27.6% recycling rate to DEQ, and for 2001 a 31.5% recycling rate was reported by the City.

In the past, the City's voluntary survey has received approximately a 75 percent response rate from private waste haulers, with City staff estimating the refuse collected and recycled from the non-reporting haulers. Starting with the mandatory reporting requirement, DEQ will not allow an estimating methodology to be used. As a result, it is proposed, through adoption of the proposed ordinance, that the reporting by private waste haulers to the City be made mandatory. This will substantially increase the response rate and make the City's reporting to DEQ more accurate. It is not expected that as a consequence of the mandatory reporting that the City's recycling rate would drop below 25%. However, were that to occur, the City would likely need to expand or undertake new recycling programs. The first mandatory reporting by private haulers for refuse collected and recycled in 2002 would be March 15, 2003, in order to meet the DEQ

established reporting deadline of April 30, 2003. For calendar year 2002, the ordinance permits waste haulers to make a good faith estimate for the first six months of the year (January through June), if actual data is not available.

Under the proposed ordinance, failure to file a report when required, or knowingly filing an incomplete or false report, is a class three civil violation, punishable by a \$500 civil penalty.

FISCAL IMPACT: The cost of conducting this survey is included in the Department of Transportation & Environmental Services' budget.

ATTACHMENTS:

Attachment 1: Ordinance requiring private hauler reports

Attachment 2: Annual waste hauler survey

STAFF:

Richard J. Baier, P.E., Director, T&ES

Doug McCobb, Acting Deputy Director/Operations, T&ES

Alton R. Weaver, Solid Waste Division Chief, T&ES

Jennifer DeLong, Recycling Specialist, T&ES

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5-18-02

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Introduction and first reading:

05/14/02

Public hearing:

05/18/02

Second reading and enactment:

05/18/02

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend Article E (PRIVATE COLLECTORS) of Chapter 1 (SOLID WASTE CONTROL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 5-1-60 (REQUIRED REPORT).

Summary

The proposed ordinance requires private waste haulers who collect solid waste and recyclable materials in the City to file an annual report with the Director of Transportation and Environmental Services, stating the tonnages of various types of waste collected. This information is required to enable the City to comply with the recycling requirements of state law.

Sponsor

Department of Transportation and Environmental Services

Staff

Richard Baier, Director of Transportation and Environmental Services
Jennifer DeLong, Recycling Specialist
Ignacio B. Pessoa, City Attorney

Authority

§ 15.2-939, Code of Virginia (1950), as amended

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

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5-18-02

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~~5-11-02~~

ORDINANCE NO. _____

AN ORDINANCE to amend Article E (PRIVATE COLLECTORS) of Chapter 1 (SOLID WASTE CONTROL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 5-1-60 (REQUIRED REPORT).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article E of Chapter 1 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding thereto a new Section 5-1-50 to read as follows:

[The following is all new language.]

Sec. 5-1-50 Required report.

(a) Each person to whom a permit has been issued to collect, transport or dispose of solid waste, ashes, yard debris or recyclable material pursuant to this article shall annually submit to the director a report of the tonnage of such materials collected by such person within the City of Alexandria. Such report shall be submitted on a form provided by the director, and shall provide information as to the classes or categories of materials specified thereon by the director. Such report shall be filed with the director on or before March 15th of each year, for materials collected during the preceding calendar year.

(b) Any person who fails timely to file a report required by subsection (a) of this section, or who knowingly files an incomplete or erroneous report, shall be liable for a class three civil violation, as prescribed in section 1-1-11 of this code.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage; provided, however, that the date when first reports are due pursuant to the ordinance shall be March 15, 2003; and provided further that, for calendar year 2002 only, and in the absence of actual data, a person required to file a report may utilize a good faith estimate of tonnage collected for the months of January through June.

KERRY J. DONLEY
Mayor

Introduction:	5/14/02
First Reading:	5/14/02
Publication:	5/16/02
Public Hearing:	5/17/02
Second Reading:	5/18/02
Final Passage:	

Private Waste Haulers
Annual Recycling Rate Report to the City of Alexandria
 (January 1, 2002, to December 31, 2002)

The State of Virginia requires that the City of Alexandria report, annually, the recycling collection rate for all public and private haulers within the corporate limits of the City of Alexandria. Please tell us the amount of materials recycled from January 1, 2002 to December 31, 2002. Only include materials collected from property located within the corporate limits of the City of Alexandria. Please return the report to the City of Alexandria, Department of Transportation and Environmental Services; 133 S Quaker Lane, Alexandria, VA 22314, no later than **March 15, 2003**. If you have any questions, please call Jennifer DeLong at (703) 751-5872.

 Company: _____

Contact Person: _____

Title: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Principal Material

Recycled (Amount in Tons)

Mixed Paper

Newspaper

Corrugated (OCC)

Plastic

Metal

Glass

Yard Waste (composted or mulched)

Wood

Textiles

Total Principal Tons Recycled

Supplemental Material

Recycled (Amount in Tons)

Tires

Used Oil/Antifreeze

Auto Bodies

Construction Waste

Demolition Waste

Debris Waste

Batteries

Sludge

Total Supplemental Tons Recycled

ORDINANCE NO. 4252

AN ORDINANCE to amend Article E (PRIVATE COLLECTORS) of Chapter 1 (SOLID WASTE CONTROL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 5-1-60 (REQUIRED REPORT).

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KERRY J. DONLEY
Mayor

Final Passage: May 18, 2002